

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

JOWEL S. NUNN,

Plaintiff,

v.

GENEVA COUNTY COMMISSION,

et al.,

Defendants.

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Civil Action No. 1:06-cv-452-MEF-CSC

DEFENDANTS' MOTION FOR EXTENSION OF TIME

COME NOW Geneva County Commission,¹ and Gregg Ward, Sheriff of Geneva County, Alabama, Defendants in the above-styled cause, and move this Honorable Court for an extension of time of 21 days in which to file their Special Report, currently due on July 17, 2006, and Answer, currently due on July 23, 2006. As grounds for said motion, Defendants state the following:

1. The Plaintiff filed his Complaint, in the United States District Court for the Middle District of Alabama, on May 19, 2006.
2. On June 6, 2006, this Court entered an Order directing the Defendants to file a Special Report on or before July 17, 2006.
3. Defendant Gregg Ward was served with the Complaint on June 13, 2006, as such Defendant Ward's Answer in the above-styled cause is due on or before July 23, 2006.

¹ On June 5, 2006, a Report and Recommendation was entered in this matter recommending that Geneva County Commission be dismissed prior to service. To date, there has not been a ruling on the Report and Recommendation, out of an abundance of caution, this Motion is filed on behalf of this Defendant.

4. The gathering of information with which to formulate the Special Report has taken longer than expected. Counsel for Defendants has yet to meet with all the Defendants for the purpose of ascertaining the facts of the case and obtaining the documents located at the Geneva County Sheriff's Department relevant to Plaintiff's allegations. In addition, it may be necessary to obtain additional documents relating to the Plaintiff's incarceration made the basis of his Complaint.

5. Defendants are in need of this additional time to fully respond to the Plaintiff's allegations.

6. Defendants have not previously requested an extension of time in this case.

7. Plaintiff will not be prejudiced by the requested extension.

WHEREFORE, PREMISES CONSIDERED Defendants respectfully request this Honorable Court grant their Motion for Extension of Time to file their Special Report and Answer up to and including August 7, 2006, for both the Special Report and Answer.

Respectfully submitted this 13th day of July, 2006.

s/C. Richard Hill, Jr.
C. RICHARD HILL, JR. Bar No. HIL045

Attorney for Defendants

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CERTIFICATE OF SERVICE

I hereby certify that on this the 13th day of July, 2006, I have electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, and that I have mailed a true and correct copy of the foregoing by United States Mail, postage prepaid, to the following non-CM/ECF participant:

Jowel S. Nunn
AIS # 204088
Ventress Correctional Facility
P.O. Box 767
Clayton, AL 36016

s/C. Richard Hill, Jr.
OF COUNSEL